



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
 Commissioner Thomas H. Moore
 Commissioner Mary Sheila Gall

ITEM:


In the Matter of Daisy Manufacturing Company (CPSC Docket No. 02-2) –
Final Settlement Agreement and Order
(Briefing package dated January 22, 2004, OS No. 5061)

DECISION:

The Commission voted (2-1, Commissioner Moore dissenting) to accept the Provisional Settlement Agreement and Order as the Final Settlement Agreement and Order. On November 14, 2003, the Commission voted (2-1, Commissioner Moore dissenting) to accept a proposed Offer of Settlement by Daisy Manufacturing Company. A *Federal Register* notice announcing the Provisional Settlement Agreement was published for public comment on December 10, 2003, in accordance with 16 C.F.R. § 1115.20(b)(4). The Commission received 21 timely comments with 19 comments supporting the settlement or criticizing the underlying case and two comments criticizing the settlement. Two comments were untimely.

Chairman Stratton and Commissioner Gall voted to accept the Provisional Settlement Agreement and Order as the Final Settlement Agreement and Order. Commissioner Moore voted not to accept the Provisional Settlement Agreement and Order as the Final Settlement Agreement and Order and to return the case to the Administrative Law Judge for further proceedings.

For the Commission:


Todd A. Stevenson
Secretary

* Ballot vote due January 29, 2004